

REMARKS

By this Preliminary Amendment, Claims 1-23 are canceled without prejudice or disclaimer, and Claims 24-43 are newly added. Support for the newly added claims can be found in at least paragraphs [0030], [0039], [0043], [0044], [0046], and [0051]-[0053], and in Figs. 3, 5, 7, and 10 of the application as originally filed. As such, Applicants respectfully submit that no new matter is presented herein.

Claim Rejection -- 35 U.S.C. 103

Claims 1-4, 7-11, 14-16, and 18-20 are rejected under 35 U.S.C. 103(a) over U.S. Patent No. 6,564,121 to Wallace et al. (hereinafter "Wallace") in view of U.S. Patent No. 6,711,460 to Reese and further in view of U.S. Patent Application Publication No. 2003/0149599 of Goodall et al. (hereinafter "Goodall"). Claims 5, 6, 12, 13, and 17 are rejected under 35 U.S.C. 103(a) over Wallace in view of Reese and Goodall and further in view of U.S. Patent Application Publication No. 2004/0006490 of Gingrich et al. (hereinafter "Gingrich"). Claims 1-20 are canceled rendering this rejection moot.

The Applicants have added new claims 24-43 to recite subject matter to which they are entitled. Claims 24-43 are allowable at least since the cited art does not disclose or suggest subject matter recited by the claims.

Claim 24 recites in part ***remotely accessing a plurality of order queues at an order server, wherein the plurality of order queues are each associated with one of a plurality of healthcare facilities, . . . remotely accessing a pharmacy information system of a healthcare facility associated with the one of the plurality of***

order queues based at least in part on selecting the one of the plurality of order queues and reviewing and authorizing the one or more related orders within the pharmacy information system. Wallace, Reese, Goodall, and Gingrich, when taken alone or in combination, fail to disclose, teach, or suggest at least such aspects of claim 24.

Wallace relates to a system for dispensing packaged and non-packaged medical products. (See column 5, lines 65-67). More specifically, Wallace discloses inputting patient and prescription information into a server, which a pharmacy controller account can access to process the prescription for dispensing to a remote control dispenser (RCD). (See column 11, lines 64-67, and column 12, lines 1-29). Wallace, however, fails to disclose, teach, or suggest *remotely accessing a plurality of order queues at an order server, wherein the plurality of order queues are each associated with one of a plurality of healthcare facilities, . . . remotely accessing a pharmacy information system . . . based at least in part on selecting the one of the plurality of order queues and reviewing and authorizing the one or more related orders within the pharmacy information system*, as recited in claim 24.

To the contrary, Wallace merely contemplates logging into a single server to fulfill pharmacy orders, which does not include a plurality of order queues, much less where the queues are each related to a healthcare facility. Moreover, on Pages 3 and 4 of the Final Office Action dated November 10, 2011, it is asserted, using the sections of Wallace cited above in support, that the pharmacy controller is clearly associated with an operating server. Assuming *arguendo* the single server of Wallace is similar to the order server of claim 24, Wallace is completely silent regarding accessing a separate

pharmacy information system for reviewing and authorizing orders at least since the pharmacy in Wallace logs in to the same system to access the queue. As described, the use of an order server and a separate pharmacy information system in claim 24 can provide storage redundancy, facilitate order verification, *etc.*, for example, which are not contemplated by Wallace.

In addition, the Final Office Action asserts that orders are clearly placed by a controller system. Assuming, again for the sake of argument, that the controller system is related to a healthcare facility and/or is similar to a pharmacy information system of claim 24, Wallace is completely silent regarding the pharmacy controller accessing the controller system to review and authorize the orders, both in the cited sections and throughout. Thus, Wallace at least fails to disclose, teach, or suggest at least these aspects of claim 24.

In addition, the Final Office Action cites Reese as allegedly teaching other aspects of former claim 1. Reese relates to a system for a single remote professional to provide pharmaceutical care and oversight of multiple local pharmacies. (See Abstract). More specifically, Reese discloses a remote pharmacist directing a drug retrieval robot to fill a prescription. (See column 13, lines 50-67). The Final Office Action also cites Goodall to allegedly show other aspects of former claim 1. Goodall generally relates to processing prescription labels, and more specifically to allowing a pharmacist to process labels that cannot be automatically processed due to an exception. (See Abstract and paragraphs [0054]-[0059]). Reese and Goodall, however, fail to cure the aforementioned defects of Wallace with respect to ***remotely accessing a plurality of order queues at an order server, wherein the plurality of order queues are each***

associated with one of a plurality of healthcare facilities, . . . remotely accessing a pharmacy information system . . . based at least in part on selecting the one of the plurality of order queues and reviewing and authorizing the one or more related orders within the pharmacy information system, as recited in claim 24.

Gingrich, cited as allegedly teaching aspects of other claims, is similarly deficient.

For at least the foregoing reasons, the Applicants submit that claim 24 is allowable over the cited art of record. For similar reasons, the Applicants submit that independent claims 32 and 40 are likewise allowable over the cited art of record. Accordingly, it is requested that these claims, as well as claims 25-31, 33-39, and 41-43, which depend therefrom, be allowed.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration of the application, withdrawal of the outstanding rejections, allowance of claims 24-43 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing attorney docket number 029714-00742.**

Respectfully submitted,

For David M. Noonan Reg. No. 43,313
David M. Noonan
Registration No. 59,451

Customer No. 79439
ARENT FOX LLP
1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810